

1 MICHAEL L. HINCKLEY (CSBN 161645)
LIDIA S. STIGLICH (CSBN 182100)
2 STIGLICH & HINCKLEY, LLP
502 Seventh Street
3 San Francisco, California 94103
Tel: 415-865-2539
4 Fax: 415-865-2538

5 Attorneys for Defendant
CHARLES EDWARD LEPP
6

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION

10 UNITED STATES OF AMERICA,
11 Plaintiff,

Case No. CR 04 00317 MHP

12 v.

13 STIPULATION AND ~~PROPOSED~~
ORDER RE CONTINUING THE MAY 28,
2008, RFRA HEARING DATE

14 CHARLES EDWARD LEPP, et. al
15 Defendants.

16 _____/

17 Defendant CHARLES EDWARD LEPP, by and through his counsel Michael L.
18 Hinckley, and Assistant United States Attorney David C. Hall, hereby stipulate and agree to
19 continue the date previously set for hearing on the religious defense due to unavailability of
20 necessary witness on the date currently set. Specifically, expert Lindsey Herbert of U.C.
21 Berkeley, defendant's expert on the Rastafarian religion is unavailable the week of the hearing
22 due to an annual commitment at a religious conference in South America. Moreover, as a result
23 of her participation in a different conference in Monterey, California, Ms. Herbert has recently
24 been unavailable to assist counsel in the preparation of the pleadings and declarations in this
25 matter. Accordingly, Mr. Lepp requests a continuance so Ms. Herbert's expertise may be

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1 utilized in the preparation of the briefings, and so that the matter may be set on a date in which
 2 she is available.

3 As previously discussed, defense counsel is unavailable during the months of June and
 4 July due to their involvement in two back to back trial matters. In those matters the same
 5 defendant is scheduled for trial first in the Eastern District, followed by a trial in San Francisco
 6 Superior Court. Accordingly, the parties stipulate that hearing date be continued from May 28,
 7 2008, to August 7, 2008, at 2:30 p.m. the parties further stipulate that August 7, 2008 shall serve
 8 as the date for the pre-trial conference, and the hearing date on any other outstanding *in limine*
 9 motions. Pursuant to this stipulation, the parties agree that all motions will be filed
 10 simultaneously along with supportive declarations on July 10, 2008, with responsive pleadings,
 11 if any, due on July 24, 2008.

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 13 IT IS SO STIPULATED.

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 15 Dated: 5/05/08 _____.

/S/ Michael Hinckley

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 17 MICHAEL L. HINCKLEY
 Attorney for Defendant
 Charles Eddy Lepp

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 19 Dated: 5/05/08 _____.

/S/ David Hall

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 21 DAVID C. HALL
 Assistant United States Attorney

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ORDER

Pursuant to stipulation, IT IS ORDERED that the hearing date presently scheduled for May 28, 2008, at 2:30 p.m., is continued to August 7, 2008, at 2:30 p.m. It is further ordered that August 7, 2008 shall serve as the pre-trial conference date, as well as the hearing date on any other outstanding *in limine* motions. All motions shall be filed simultaneously along with supportive declarations on July 10, 2008. Responsive pleadings, if any, shall be filed by July 24, 2008.

IT IS SO ORDERED.

Dated: 5/6/2008.

